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Typed Name: Kevin D. McCarthy

Date: April 7, 2008

0-03-205 (16483/US/03)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Goychrach

Serial no.: 10/672,168

Filed: September 26, 2003

Title: MULTI-SHAPE AND MULTI-COLOR CHEMILUMINESCENT DEVICE

Examiner: Anabel Ton

Art Unit: 2875

Amendment and Response

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir/Madam:

This response is in reply to the office action mailed on January 10, 2008.

Claim amendments

1. Please amend the claims as shown on the attached pages; claim 1 has now been amended, new claim 47 has been added. All the amendments are supported in the original specification as follows:

The "fixed position" feature of the separation means relatively to the polymer sheets (that define the space for the reactants), and the attachment of the means to the pad or sheets, now incorporated in amended claim 1 and new claim 47, are supported at lines 4-6 on page 15, and at lines 5-6 on page 18.

Since dependent claim 5 has been canceled and new dependent claim 47 has been added, there is no change in the number of claims being prosecuted. Accordingly, no claim fees are being paid with this office action.

Claim rejections — 35 USC § 103

2. Claims 1, 11, 13, 15, 16, 20, 21, 23, 24, 27-29, 34-36, 38, 39, 42, and 43 are rejected as unpatentable over Ladyjensky (US 6,758,582) in further view of Pita et al. (US 5,171,081). Since US 6,758,582 seems irrelevant to the present subject, we believe that intended was in fact US 6,758,572, which is cited in the Background of the instant application (further related as Ladyjensky or US/572).

3. Said cited two patents have been carefully compared with the technique described in the instant application, and essential differences have been observed that distinguish the instant novel technique from the published ones, which differences are believed to be non-obvious improvements.

The instant technique enables to construct a device of endless diversity in regard to its outer shape, size, and flexibility in three-dimensions (e.g., lines 17-20 on page 23), as well as in regard to the multicolor and multi-shape quality of the created images, wherein uniformity of glow (e.g., lines 2-7 on page 12) over the glowing area can be assured, and the light intensity and color can be controlled (capsule array or network), wherein the light effect may be organized as a cascade of events separated in time and space (lines 17-21 on page 15). Furthermore, novel steps are provided that enable a smooth serial production of the device, such as the use of laminated aluminum foil (lines 12-13 on page 18) enables to make a blister sheet (capsule network) as known in pharmaceutical packaging, which obviates the problems associated with placing Ladyjensky's movable poaches or steel balls into the device before its sealing, as well as other problems.

On the other hand the lighting element described in US/572 has zero possibilities to affect the above mentioned quality of the glow, and only limited potential for diversity of the shapes and images. Further, the description of US/572 does not enable serial manufacture of the lighting element, because placing Ladyjensky's movable inner poach(es) and movable steel or other balls into an outer poach is hardly feasible during a mass production (at least according to the description teaching). Still more difficult would be to activate the element, because it would be tricky to find said movable ball/ balls and push it against said inner poach/ poaches, when the ball/ balls and the inner poach/ poaches are both movable and further hardly visible (being placed inside the non-transparent, even though translucent, outer poach).

Nevertheless, regardless the above differences, the new amendment in claim 1 distinguishes the instant chemiluminescent device from said lighting element still more radically. The present amendment emphasizes an important feature of the device according to the present invention, namely the feature of attaching the separation means, such as capsules separating some of the reactants, to the device so that said separations means acquire a fixed position in the inner space of the device.

4. It is believed that amended claim 1 discloses a chemiluminescent device entirely different from devices described in prior art; none of the cited documents, either separately or in combination, could have lead a person skilled in the art toward the instant invention. Since all other claims depend from said novel and non-obvious claim 1 – they are believed to be novel and non-obvious too.

Some advantages of the instant device

5. The instant separation means, attached to the sheets or pad of the device, i.e. having a fixed position inside the device, enable to better affect the image shapes, the light intensity, etc. For example, fixed aluminum capsule ensure the exact locations of the reactants, and their precise quantities, resulting in uniform glow over large areas, and/or complex shapes. Said capsules may be mass-produced, for example, by employing "cold forming technology" known from pharmacy industry, while precisely and economically dosing the reactants into the capsules.

6. It is easy to activate the instant device in stages by squeezing one or more of the cavities, such as cold-formed capsules, releasing the liquid out while the rest of the liquids are kept safely in the rest of the cavities; the movable inner poaches of prior US/572 could be hardly manufactured if present in an amount of more than one inner poach per device, and their activation would be still more cumbersome (if at all feasible, as considered in paragraph 3 above). Instant large and complex devices, enabled by a plurality of cavities or capsules with